

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,  
*Plaintiff,*  
  
v.  
  
3.17 ACRES OF LAND, MORE OR  
LESS, SITUATED IN STARR COUNTY,  
TEXAS; AND JUAN MONTALVO,  
ET AL.,  
*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§

CASE NO. 7:08-CV-177

---

**ADVISORY TO THE COURT REGARDING ORDER GRANTING  
UNOPPOSED MOTION TO CONTINUE STATUS CONFERENCE**

---

Defendants Noelia Montalvo Muñoz and Sylvia M. Ramirez (hereafter “Defendants”) respectfully submit this Advisory to the Court regarding this Court’s Order<sup>1</sup> to advise the Court that Defendant’s Unopposed Motion to Continue Status Conference (hereafter “Motion”)<sup>2</sup> was intended to be made on behalf of Defendants alone and not as a joint motion, despite inadvertently including language in its first sentence suggesting it was jointly filed.

1. On Friday, February 5, 2021, Defendants filed their Motion<sup>3</sup> after conferring with counsel for the United States, who stated they were unopposed.
2. After filing the Motion, counsel for Defendants became aware that its preliminary statement inadvertently included language suggesting that the Motion was jointly filed.
3. The Motion mistakenly stated that both “Plaintiff, United States of America (hereafter “United States”) and Defendants Noelia Montalvo Muñoz and Sylvia M. Ramirez (hereafter

---

<sup>1</sup> Dkt. 164.

<sup>2</sup> Dkt. 163.

<sup>3</sup> *Id.*

“Defendants”) respectfully move for a continuance of the status conference set for February 16, 2021” rather than Defendants alone.<sup>4</sup>

4. The remainder of the Motion correctly described it as being filed on behalf of solely Defendants. *See* Dkt. 163 ¶ 16 (“Defendants Noelia Montalvo Muñoz and Sylvia M. Ramirez respectfully request the Court grant this Motion and enter an order [...]”).
5. Counsel for Defendants became aware of the inadvertent inclusion after close of business on Friday, February 5, 2021.
6. On Monday, February 8, 2021 counsel for Defendants notified counsel for the United States of the inadvertent inclusion and of counsel for Defendants’ intent to file an amended motion that day.
7. Also on February 8, 2021, this Court granted the original Motion before Defendants filed an amended motion.<sup>5</sup>
8. In its Order, the Court addressed the discrepancy. Dkt. 164 at 1 (“The Court now considers the ‘unopposed’ joint motion to continue [...]”).
9. After conferring with counsel for the United States, Defendants submit this Advisory to clarify that Defendants’ intent was to submit an unopposed Motion on behalf of Defendants alone.

Dated: February 12, 2021

TEXAS CIVIL RIGHTS PROJECT

By: /s/ Ricardo A Garza  
Ricardo A. Garza

Karla Marisol Vargas  
State Bar No. 24076748  
SDTX Bar No. 3336176

---

<sup>4</sup> Dkt. 163 at 1.

<sup>5</sup> Dkt. 164.

kvargas@texascivilrightsproject.org  
*Attorney-In-Charge for Defendants Noelia Montalvo  
Muñoz and Sylvia M. Ramirez*

Ricardo A. Garza  
State Bar No. 24109912  
SDTX Bar No. 3336127  
ricky@texascivilrightsproject.org  
*Attorney for Defendants Noelia Montalvo Muñoz and  
Sylvia M. Ramirez*

Texas Civil Rights Project  
1017 W. Hackberry Ave.  
Alamo, Texas 78516  
Tel: (956) 787-8171 ext. 128  
Fax: (956) 787-6348

**CERTIFICATE OF SERVICE**

I, Ricardo A. Garza, hereby certify that on this 12th day of February 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

/s/ Ricardo A. Garza  
Ricardo A. Garza  
*Attorney for Defendants Noelia Montalvo Muñoz and  
Sylvia M. Ramirez*